

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CALVIN SCHMIDERER

PETITIONER

VERSUS

CIVIL ACTION NO. 1:09cv321-HSO-JMR

STATE OF MISSISSIPPI, *et al.*

RESPONDENTS

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
GRANTING RESPONDENTS' MOTION TO DISMISS AS MOOT**

This cause comes before the Court on the Report and Recommendation [11] of Chief United States Magistrate Judge John M. Roper, entered in this cause on January 11, 2010. Magistrate Judge Roper reviewed Respondents' Motion to Dismiss as Moot [10] filed July 27, 2009, and determined that the Motion should be granted, and that Petitioner's Petition for Writ of Habeas Corpus be denied as moot. *See* Report and Recommendation, at p. 3.

A copy of the Report and Recommendation was sent to Petitioner at his last known address by certified mail, return receipt requested, and delivery was accepted [12] on January 13, 2010. Petitioner did not respond to Respondents' Motion to Dismiss as Moot, nor did he file an objection to the Report and Recommendation. After review of the record, the Court, being fully advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [11] of Chief United States Magistrate Judge John M. Roper, entered in this cause on January 11, 2010, should be, and the same hereby is,

adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Respondents' Motion to Dismiss as Moot [10] filed July 27, 2009, should be and hereby is **GRANTED**, and Petitioner Calvin Schmiderer's Petition for Writ of Habeas Corpus is hereby **DISMISSED AS MOOT**. A separate judgment will be entered herein in accordance with this Order, as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED, this the 8th day of February, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE